

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

**STANDING ORDER #11
RELATING TO ELECTRONIC CASE FILING**

Federal Rule of Civil Procedure 5(e) and Federal Rules of Bankruptcy Procedure 5005(a)(2), 9011, 9029, and Local Bankruptcy Rule 5005-1 authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and papers by electronic means. This Order sets out those practices and procedures.

IT IS ORDERED that:

1. The *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* have been presented to this court and are hereby approved.
2. The provisions of this Order shall apply to all cases previously filed, proceedings presently pending and those subsequently filed in the United States Bankruptcy Court for the Northern District of Florida.
3. Any Order signed electronically and hence without the original signature of a judge shall have the same force and effect as if the judge had affixed his signature to a paper copy of the Order and entered it in a conventional manner. This provision also applies to Administrative Orders that are granted and routinely entered by the Clerk's Office.
4. Documents may be filed on-line at any time. Such filings will constitute entry of that pleading or other paper on the docket kept by the Clerk of Court in accordance with FRBP 5003. Documents to be filed at either location of the Clerk's Office shall be filed within the regular business hours of the Clerk's Office. The time zone of the division in which a case is filed will be the official time zone for filing and noticing purposes.
5. The electronic filing of documents shall be suspended if, under extraordinary circumstances, the system is out of service. The Clerk's Office will maintain a log of these occurrences for reference purposes. During such periods, filing conventionally via hard copy will be permitted. For emergency filing situations when the system is out of service during non-business hours, filers can make arrangements with the Clerk or the Clerk's designee for the acceptance of filings.
6. If the Clerk's Office deems it necessary to electronically scan a paper document into the Electronic Case Filing System, the electronically scanned document shall constitute the official record of the court, and the paper document may be discarded without further notice.

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7. Amendments to this Order and the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* may be entered from time to time in keeping with the needs of the court.
8. Nothing contained in this Order is intended, or shall be construed to alter or modify any party's duties under the provisions of the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure.

This Order is effective November 12, 2003

SIGNED this the 4th day of November, 2003

/s/ Lewis M. Killian, Jr.

Lewis M. Killian, Jr.
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA



Ninth Amended
**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY
ELECTRONIC MEANS**

(Approved for Implementation 11/01/12 via Standing Order #11)

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Note: All referenced forms can be found on the Court's website: **www.flnb.uscourts.gov**

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

A. DESIGNATION OF CASES

The Court shall designate which cases shall be assigned to the Electronic Case Filing System ("System"). The conversion to the System took place November 12, 2003, and cases on the System can be found at **www.flnb.uscourts.gov**.

B. PASSWORDS

1. All Attorneys, filing agents, and limited use filers are required to use a password to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a log-in and password is governed by Paragraph I.C.
2. No attorney or filing agent shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.
3. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless that person is an authorized employee of that attorney's law firm.
4. If your password has been lost or you feel it has been compromised, you should contact the Clerk's office to have it reset using the primary e-mail address attached to the account. For security purposes, passwords will not be provided over the telephone. If a password must be re-issued, it will be sent electronically to the primary e-mail address for the account.

C. USER REGISTRATION AND RESPONSIBILITIES

1. Each attorney desiring to file pleadings or other papers electronically must:
 - a. have completed required training in use of the System. This requirement can be met by having attended a court provided CM/ECF training seminar, completion of the Court's on-line training module, or already being a registered ECF user in another U.S. Bankruptcy Court or U.S. District Court.
 - b. sign, notarize, and submit a completed, original application for attorney or filing agent password and log-in for the electronic case filing system. (These forms may be found on the Court's website.)
 - c. provide the Court with a current e-mail address for use with the System and to comply with Paragraph II.D.

d. once registered, maintain all applicable user account information on the System including current address, telephone number, and e-mail address. If there is evidence that a user account is not being maintained as required, it may be de-activated by the Court.

e. once registered, notify the Court of any change in user status or change in firm affiliation so that updates to applicable case and user related information can be made.

2. Limited filing is available for the following filers:

- Attorneys appearing Pro Hac Vice
- Individuals authorized to prepare and file Proof of Claim(s) and related attachments/supplements
- Individuals authorized to appear on behalf of a child support creditor
- Individuals authorized to file Motion to Withdraw Unclaimed Funds
- Individuals authorized to submit Reaffirmation Agreements
- Court reporters authorized to file transcripts

Individuals desiring to file documents via this method must:

a. have completed required training in use of the System. This requirement can be met by having attended a court provided CM/ECF training seminar, completion of the Court's on-line training module, or already being a registered user in another U.S. Bankruptcy Court or U.S. District Court.

b. complete and sign an *Application For Limited Use Access to Electronic Case Filing System*. (This form may be found on the Court's website.)

c. provide the Court with a current e-mail address.

d. once registered, provide the Court with any updates to applicable user account information including current address, telephone number, and e-mail address. If there is evidence that a user account is not being maintained as required, it may be de-activated by the Court.

e. once registered, notify the Court of any change in user status or change in firm affiliation so that updates to applicable case and user related information can be made.

3. All signed original Registration Forms shall be mailed to the Court or delivered to either office of the Court.
4. Upon approval of the forms submitted, each attorney will receive their assigned System log-in and password from the Office of the Clerk. This information will be delivered according to the selection made on the registration form.
5. Once registered, an attorney may withdraw from participation in the System by providing the Court with written notice of such withdrawal. Upon receipt, the Court will immediately cancel the attorney's log-in and password and will delete the attorney's name from any applicable electronic service list.
6. If any of the information on the Registration form changes, e.g., mailing address, e-mail address, etc., the attorney must submit an Amended Registration form to the Court.

II. FILING AND SERVICE OF DOCUMENTS

A. FILING

1. All petitions, motions, pleadings, memoranda of law, or other documents, except for creditor matrices and orders, are to be converted into portable document format (.pdf) and filed directly on the System or via disk or other medium as directed by the Court. Creditor matrices are to be filed in a similar manner, but in text (.txt) format. Information regarding the formatting of Orders can be found in Paragraph II.F.
2. Judicial waiver will be required for counsel to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will proceed with steps to possibly strike the document.
3. For corporate entities that file more than twenty (20) proofs of claims in a calendar year, a judicial waiver will be required to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will proceed with steps to possibly strike the document.
4. Pleadings or other papers presented for filing by unregistered attorneys and/or parties via disk must contain a scanned or electronic copy of all original signatures.

5. Parties not represented by counsel or Pro Se individuals may file documents in hard copy format *except for those that fall under Paragraph II.A.3*. These documents will be scanned into .pdf format by the Clerk's Office and docketed into the System. The paper document will then be discarded without further notice, except for those under Paragraph II.M.
6. When filing emergency or expedited matters, the filing attorney shall immediately advise the judge's judicial assistant of the filing by phone. The telephone number for the judicial assistant is available on the Court's website at **www.flnb.uscourts.gov**.
7. So that interested parties can properly prepare for upcoming hearings, users are requested to file all applicable hearing related pleadings, documents, and/or papers by the close of business the day prior to the hearing.

B. SERVICE

1. Whenever a pleading or other paper is filed electronically in accordance with these *Procedures*, the System will automatically generate a "Notice of Electronic Filing" by electronic means at the time of docketing.
2. Participation in the System by receipt of a password provided by the Court shall constitute a request for service and notice by electronic means pursuant to FRBP 9036. Registered participants of the System, by possessing a password from the Court, agree to receive notice and service by electronic means both from the Court and from other System participants, wherever located. Service by other means requires non-participation in the System and judicial waiver is required under Paragraph II.A.2.
3. An attorney filing a pleading or other paper electronically will serve the Notice of Electronic Filing by electronic means and such service will be considered the equivalent of service of the pleading or other paper by first class mail, postage prepaid, *if and only if* the recipient of the notice or service is either a registered participant in the System and/or has agreed in writing with the filer to accept such service in lieu of service by first class mail
4. For all remaining parties and non-registered participants, the filing attorney shall serve the pleading or other paper upon all entitled in accordance with applicable rules.

5. The following language is recommended for registered users of the System for certificate of service purposes:

“The following parties were served either by electronic or standard first class mail.”

(and then show the parties to whom service was rendered together with their e-mail or mailing address.)

IMPORTANT NOTE: The Bankruptcy Noticing Center (BNC) is the Court's noticing service contractor and does NOT serve documents for anyone except the Court. **Only** registered participants of the ECF system have agreed to receive notice and service by e-mail. Notice and service to non-participants needs to be done via first class mail in accordance with B.4.

C. SIGNATURES

1. Signatures for the electronic filing of a petition, pleading, motion, claim, or other paper by an attorney or unrepresented party who is a registered participant of the System for FRBP 9011 and other applicable rules are valid only when the filing is accomplished via their authorized system log-in **and** the PDF filed contains either a scanned image of any original signature(s) or the text “/s/ user name” where an original signature should occur.
2. Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be filed electronically by attorneys registered in the System. Applicable retention requirements can be found in Paragraph II.M.

D. E-MAIL ADDRESS IN PLEADINGS

All registered participants must include a working e-mail address on all filed pleadings so that parties may communicate as needed on applicable case related issues.

E. FEES PAYABLE TO THE CLERK

All fees are due at the time of filing on the System. Users must settle their on-line accounts for any outstanding fees by midnight Eastern time on the day of filing. If fees are not received in a timely manner, steps will be taken to either strike the pleading or dismiss the case, whichever is applicable.

F. ORDERS

1. All Orders are to be submitted electronically via ECF Central or the Proposed Order Submission link in ECF.
2. Order related submissions **must** conform to the following specifications:
 - a. They must include the full case number, an abbreviated name for the Order, and the related docket number.
 - b. The Order must be in word processing format and include language noting the consent and/or approval of parties at the time of submission, if applicable.
3. Unless directed otherwise, the moving party shall submit the Order to the Court.
4. All signatures, including those of unregistered users, are to be in accordance with Paragraph II.C. Original signatures obtained for consent purposes are to be kept on file by the party submitting the Order.

G. ATTACHMENTS TO PLEADINGS AND PROOF(S) OF CLAIM

1. If a filed document includes exhibits or attachments, then such exhibits or attachments are to be attached to the document submitted for filing. If the filed document is set for hearing, hard copies of the exhibits or attachments shall be introduced at the hearing for possible admission to the official record.
2. Similarly, exhibits, attachments and/or supporting documentation for Proof of Claim(s) are to be attached to the Proof of Claim when submitted for filing. The creditor must provide a copy of the original documentation to any party objecting to it's claim. In the event of a hearing on an objection to the claim, the Proof of Claim and all original exhibits, attachments and supporting documentation shall be introduced at the hearing for possible admission to the official record.
3. Exhibits and attachments that are not in paper format should be photographed so that they can be scanned or converted by the filer into portable document format for electronic submission into the System.

H. DOCUMENTS FILED UNDER SEAL

Motions to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under seal must be presented on paper for the Court's consideration. If the motion is granted, then the Clerk will scan, file and seal the documents electronically. The original paper documents will be attached to a paper copy of the order, logged and stored in the sealed documents safe. If the motion is denied, the paper documents will be disposed of in accordance with the order or Court policy.

I. TITLE OF DOCKET ENTRIES

An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.

J. CORRECTING ERRORS IN ELECTRONIC FILINGS

Electronic filings appear on the court docket immediately upon submission. If a document contains errors or is filed in error, corrective action may be required from the filer before the pleading will be considered by the Court.

1. Submission error.

If an action is required from the filer, the error notification will come in the form of a "*Submission Error Notification*" entered on the docket by the Clerk's Office. This docket entry automatically generates an e-mail notice to the registered user who filed the pleading. **THIS IS THE ONLY NOTICE YOU WILL RECEIVE ADVISING YOU THAT CORRECTIVE ACTION IS NECESSARY.** The e-mail will identify the nature of the error and will inform the filer if an action on their part is necessary in order for the filing to be considered by the Court as well as any applicable time frame in which the action needs to be taken.

2. Corrective entries.

Some errors can be corrected by the Clerk's Office making it unnecessary for the filer to take corrective action. In those instances, the Court will generally make the necessary corrections. To maintain the integrity of the court docket, any changes made by court staff will be noted on the docket with the text "*Corrective Entry.*" The entry will identify the nature of any changes made by the Clerk's Office and it is not necessary for the filing party to take any action to correct the entry.

K. INTERROGATORIES

File a Notice of Service of Interrogatories only. Do not file the entire set of interrogatories electronically. Upon request of the Court or party, the filer may be required to produce the interrogatories at issue in open Court or at another location.

L. CASE NUMBERS

Case numbers for pre-conversion cases have not changed. For cases filed after November 12, 2003, case numbers were assigned in the following manner:

| | |
|--|-----------------|
| Pre-Conv. Gainesville Bankruptcy Case Number: | 03-00001 |
| New Gainesville Bankruptcy Case Number: | 03-10001 |
| Pre-Conv. Gainesville AP Case Number: | 03-9001 |
| New Gainesville AP Case Number: | 03-01001 |

| | |
|--|-----------------|
| Pre-Conv. Pensacola Bankruptcy Case Number: | 03-40001 |
| New Pensacola Bankruptcy Case Number: | 03-30001 |
| Pre-Conv. Pensacola AP Case Number: | 03-8001 |
| New Pensacola AP Case Number: | 03-03001 |

| | |
|--|-----------------|
| Pre-Conv. Tallahassee Bankruptcy Case Number: | 03-70001 |
| New Tallahassee Bankruptcy Case Number: | 03-40001 |
| Pre-Conv. Tallahassee AP Case Number: | 03-9001 |
| New Tallahassee AP Case Number | 03-04001 |

| | |
|--|-----------------|
| Pre-Conv. Panama City Bankruptcy Case Number: | 03-20001 |
| New Panama City Bankruptcy Case Number: | 03-50001 |
| Pre-Conv. Panama City AP Case Number: | 03-9001 |
| New Panama City AP Case Number: | 03-05001 |

M. RETENTION REQUIREMENTS

1. Documents filed electronically by registered users
 - a. All petitions, lists, schedules, statements, pleadings, affidavits and other documents that require verification under FRBP 1008 and an unsworn declaration as provided in 28 U.S.C. § 1746 must be retained with the original signatures by the attorney or other registered user who files such a document or other paper for four (4) years after the closing of the case.
 - b. With respect to petitions filed electronically, the filing attorney shall retain an originally executed copy of Official Form 21 until four (4) years after the closing of the case.

2. Pro Se filings

a. The Court will retain Pro Se filings that must contain original signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 U.S.C. §1746 until four (4) years after the closing of the case.

b. The Court will retain the original Official Form 21 until four (4) years after the closing of the case.

III. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. PUBLIC ACCESS AT THE COURT

Electronic access to the electronic docket and documents filed in the System is available to the public at no charge at each Office of the Clerk during regular business hours.

B. INTERNET ACCESS

Although any person can retrieve and view documents in the System and access information from it without charge at the Clerk's Offices, electronic access to the System for viewing purposes is otherwise limited to subscribers of the Public Access to Court Electronic Records ("PACER") System. Information regarding subscribing to PACER is available on the Court's website.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

D. PRIVACY PROVISIONS (INITIAL EFFECTIVE DATE 12/01/03)

In accordance with the E-Government Act of 2002 and its own policy regarding privacy and public access, the Judicial Conference of the United States (Judicial Conference), at its September 2003 session, promulgated Official Bankruptcy Form 21 (Official Form 21), Statement of Social Security Number(s). This form has been created to satisfy the requirement set forth in FRBP 1007(f) that a debtor must submit a verified statement of his or her social security number along with the debtor's petition.

1. With respect to petitions filed by electronic means via the Internet, the debtor's signature declaring under penalty of perjury that information in the petition is true and correct shall apply to the debtor's social security number as filed electronically with the petition.
2. With respect to petitions filed by electronic means on a computer disk, the debtor's attorney shall submit a copy of the Official Form 21 as a separate paper document with the Clerk at the same time the petition is filed.
3. Attorneys shall not file or submit any additional statements or verifications of the debtor's social security number.
4. With respect to petitions filed on paper by unrepresented debtors, the debtor shall submit an original Official Form 21 as a separate paper document with the Clerk at the same time the petition is filed.
5. Originally executed copies of Official Form 21 will not be accessible to parties, the bar or the public.

In order to protect personal privacy and other legitimate interests under FRBP 9037, parties shall refrain from including, or shall partially redact, the following personal data identifiers from all documents and pleadings filed with the Court, including attachments thereto, unless required by statute, FRBP, Official Bankruptcy Forms, or otherwise ordered by the Court:

- a. Social security number: If an individual's social security number must be included in a pleading, only the last four digits of that number should be used except when submitting Official Form 21 on which the entire social security number should appear.
- b. Names of minor children: If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Form 6, list the relationship and age of the debtor's dependents (i.e., son, age 6).
- c. Dates of birth: If an individual's date of birth must be included in a pleading, only the year should be used.
- d. The responsibility for redacting personal identifiers described above rests solely with legal counsel and parties filing documents with the Court. The Clerk's Office will not alter, review or inspect any document for compliance with privacy rules.

If a document containing information in violation of FRBP 9037 happens to be filed, a *Motion for Protective Order to Restrict Remote Electronic Access and Provide for Redaction of Information* will need to be filed along with the proposed Order. Upon entry of the order, access to the original document will be restricted. The filer may then file an amended document in which the private information has been properly redacted.